

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MATTHEW G. SILVA,) No. C05-5731-RJB-KLS
v.) Plaintiff,) ORDER DENYING PLAINTIFF'S
CHRISTINE GREGOIRE, *et al.*,) Defendants.) MOTION FOR RECONSIDERATION

This matter comes before the Court under Local General Rule 8(c). On February 14, 2007, plaintiff Matthew G. Silva filed a “Motion to Recuse Magistrate Judge” (Dkt. #102). The Honorable Karen L. Strombom, United States Magistrate Judge, declined to recuse herself voluntarily and the matter was referred to the Chief Judge for review (Dkt. #111). On March 7, 2007, this Court denied plaintiff’s request to remove Judge Strombom (Dkt. #112). Plaintiff then moved for reconsideration of this order, and the matter was again referred to the Chief Judge for review. See Motion for reconsideration (Dkt. #115); April 2, 2007 docket minute entry referring the motion to the Chief Judge. Plaintiff’s motion for reconsideration is therefore ripe for review by this Court.

Motions for reconsideration are disfavored in this district, and the “court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to [the court’s] attention

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earlier with reasonable diligence.” Local Civil Rule 7(h)(1). Plaintiff has not met his burden under this rule because his motion does not present any new facts or legal authority that could not have been raised in his initial recusal motion. Furthermore, the actions upon which plaintiff bases his recusal of Judge Strombom stem from adverse rulings in his case, not an extrajudicial source, as plaintiff concedes in his motion: “the conduct complained of did occur within Judge Strombom’s order (Dkt. 93).” See Motion at 1. A litigant cannot, however, use the recusal process to remove a judge based on adverse rulings in the pending case: the alleged bias must result from an extrajudicial source. See United States v. Studley, 783 F.2d 934, 939 (9th Cir. 1986).

Accordingly, for all of the foregoing reasons, plaintiff’s “Motion for Reconsideration of Recusing Magistrate Judge Karen Strombom” (Dkt. #115) is DENIED.

DATED this 20th day of April, 2007.

Robert S. Lasnik

Robert S. Lasnik
United States District Judge